

## ***The Daily Record***

### **Elderly poor have staunch advocate in National Senior Citizen Law Center**

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When knotty legal questions about the rights of seniors arise, who do the experts call?

Topping the list is the National Senior Citizen Law Center in Washington, D.C.

Susan Shubin, supervising attorney of the Legal Aid Bureau's statewide nursing home and assisted living project, said NSCLC is a "very, very good source for what's going on in D.C. and in courts around the country about cases that could affect us."

Founded in 1972, NSCLC has fashioned a niche as "the lawyers' lawyers" on law affecting older Americans, said executive director Edward C. King.

"NSCLC is built around issues that have an impact on the elderly poor," King said. "The people we work with are legal services attorneys, lawyers funded under the Older Americans Act, and other people who work with older folk."

NSCLS is one of 16 "national support centers" formerly funded by the federal Legal Services Corp. to assist local legal programs better serve low-income people.

Although the centers were staffed by some of the most experienced legal aid attorneys in the country, federal funding was terminated in 1996. Like the other centers, NSCLS provides a range of services, from information, advice and training to litigation support, as well as working with state and national legislatures and agencies on public policies.

The center's publications include NSCLS Washington Weekly, which keeps subscribers abreast of news and provides initial analysis on breaking legal issues affecting seniors; a monthly Disability Information Mailing; and the bimonthly Nursing Home Law Letter. ("I rely on it very heavily," remarked Legal Aid's Shubin.)

Last year, NSCLC conducted 71 training sessions for more than 2,600 people nationwide. "Plus, we get a lot of calls for technical assistance from across the country," King added. "We cover anything from over-the-phone advice to serving as co-counsel or lead counsel in cases."

A nonprofit with a staff of seven attorneys (including four lawyers in its California office), NSCLC also plays a role in administrative advocacy with federal agencies.

Looming large on NSCLC's radar screen are proposed federal and state cutbacks on

Medicaid.

"Much of Medicaid's money goes to long-term care--it's the only source of long-term support for people in nursing homes," King noted. "Recently, Oregon has tried to redefine eligibility for long-term care to reduce expenses. That redefinition may end up kicking people out of nursing homes."

Nursing home residents are especially vulnerable, King pointed out.

"These are people who have no financial flexibility," he said. "People can become homeless or die in the process. So we're trying to develop networks across the country to mount a defense."

NSCLC has also worked with Congress and state legislatures on laws affecting seniors. "We do some lobbying, but it's mostly education," King said. "We're typically asked to testify."

The center's track record shows that it can have an impact.

It played a big role in the passage of the 1987 federal Nursing Home Reform Act and recently helped craft a similar law in California. (Currently, NSCLC nursing home expert Eric Carlson is working on a committee established by the U.S. Senate's Special Committee on Aging to make recommendations concerning assisted living programs for seniors.)

In the 1970s, NSCLC scored several successes in litigation aimed at the overpayment recovery practices of federal agencies, including representing clients directly in a national class action against the federal Railroad Retirement Board.

In that case, NSCLC won a ruling requiring the board to tell beneficiaries who were overpaid that the board's authorizing statute barred recoveries which would be "against equity and good conscience."

NSCLC also helped legal aid lawyers in Hawaii get a 1978 U.S. Supreme Court win in *Califano v. Yamasaki*, establishing the same principle against the Social Security Administration.

The center has won major federal pension reform cases over the years. In 1999 the law center settled a major age discrimination suit against the federal government in favor of the plaintiffs.

Stuart R. Cohen, former litigation director for the Legal Aid Bureau and now director of legal advocacy of the AARP Foundation in Washington, D.C., co-counseled with NSCLC on a complicated pension case in Maryland in the mid-1980s.

"I have recently been working with them in cases involving nursing homes, Social

Security and health care," Cohen said. "NSCLC provides real leadership to the legal services and public interest community."

In addition to arguing before the nation's top court, NSCLC now closely monitors and reports on the recent trend of federal rights decisions undercutting the rights of seniors and other groups (with funding from the Open Society Institute).

"We put on our Web site good, quick analysis of important cases," King said. "We're trying to help turn the boat around." The Web site address is [www.nslc.org](http://www.nslc.org).

### **Feeling the pinch**

While the assaults on the rights and services for the elderly poor continue, NSCLC is in a financial crunch, King reported. Once funded at a rate of \$750,000 a year by LSC, the center now gets \$150,000 annually from the U.S. Administration on Aging and looks to private foundations and donations for the rest.

"The Contract for America folks went after legal services for the poor," King explained. "When they found out they didn't have the clout to get rid of all legal services, they defunded the support centers, which had made legal services much, much more effective."

Finding new funding sources while maintaining the mission is "very difficult," King added.

"The urgency of the money search is so great and I have to spend a lot of time on it. Tell folks they can drop us a check if they want to help out!"

King began his second stint as executive director of NSCLC last summer after moving from Honolulu, where he practiced law, began the Pacific Institute for Judicial Administration and taught at the University of Hawaii Law School.

Before that King was the first Chief Judge of the Supreme Court for the Federated States of Micronesia, a newly independent nation. That job followed four years as deputy director and chief of litigation of Micronesian Legal Services Corp. Before that King had served as executive director of NSCLC from 1976 to 1981.

While times are hard for legal services national support centers, King remains committed and optimistic.

"I'm extremely positive about this program and the expertise of our people," he said. "But we count on the good will and support of people."

"Citizens are told more and more by national leaders not to worry about societal problems," King continued. "You've got people among us who are in terrible shape and aren't being treated properly. They need help and people need to know what's going on."